

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE CLASS EIGHT BUSINESS EQUIPMENT TAX
5 EXEMPTION; PROVIDING A REIMBURSEMENT TO LOCAL GOVERNMENTS AND TAX INCREMENT
6 FINANCING DISTRICTS UNDER THE ENTITLEMENT SHARE PROGRAM, TO SCHOOL DISTRICTS
7 THROUGH GUARANTEED TAX BASE AID, AND TO THE MONTANA UNIVERSITY SYSTEM FOR THE
8 LOSS OF REVENUE; AMENDING SECTIONS 15-1-121, 15-1-123, 15-6-138, AND 20-9-366, MCA; AND
9 PROVIDING AN APPLICABILITY DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 15-1-121, MCA, is amended to read:

14 **"15-1-121. Entitlement share payment -- purpose -- appropriation.** (1) As described in 15-1-
15 120(3), each local government is entitled to an annual amount that is the replacement for revenue received by
16 local governments for diminishment of property tax base and various earmarked fees and other revenue that,
17 pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and
18 later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections,
19 and other revenue in the state treasury with each local government's share. The reimbursement under this
20 section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain
21 state payments with local government collections due the state and reimbursements made by percentage splits,
22 with a local government remitting a portion of collections to the state, retaining a portion, and in some cases
23 sending a portion to other local governments.

24 (2) The sources of dedicated revenue that were relinquished by local governments in exchange for an
25 entitlement share of the state general fund were:

26 (a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6),
27 Chapter 584, Laws of 1999;

28 (b) vehicle, boat, and aircraft taxes and fees pursuant to:

- 1 (i) Title 23, chapter 2, part 5;
- 2 (ii) Title 23, chapter 2, part 6;
- 3 (iii) Title 23, chapter 2, part 8;
- 4 (iv) 61-3-317;
- 5 (v) 61-3-321;
- 6 (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment
- 7 of 61-3-509 in 2001;
- 8 (vii) Title 61, chapter 3, part 7;
- 9 (viii) 5% of the fees collected under 61-10-122;
- 10 (ix) 61-10-130;
- 11 (x) 61-10-148; and
- 12 (xi) 67-3-205;
- 13 (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
- 14 (d) district court fees pursuant to:
- 15 (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
- 16 (ii) 25-1-202;
- 17 (iii) 25-9-506; and
- 18 (iv) 27-9-103;
- 19 (e) certificate of title fees for manufactured homes pursuant to 15-1-116;
- 20 (f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
- 21 (g) all beer, liquor, and wine taxes pursuant to:
- 22 (i) 16-1-404;
- 23 (ii) 16-1-406; and
- 24 (iii) 16-1-411;
- 25 (h) late filing fees pursuant to 61-3-220;
- 26 (i) title and registration fees pursuant to 61-3-203;
- 27 (j) veterans' cemetery license plate fees pursuant to 61-3-459;
- 28 (k) county personalized license plate fees pursuant to 61-3-406;

- 1 (l) special mobile equipment fees pursuant to 61-3-431;
- 2 (m) single movement permit fees pursuant to 61-4-310;
- 3 (n) state aeronautics fees pursuant to 67-3-101; and
- 4 (o) department of natural resources and conservation payments in lieu of taxes pursuant to former
- 5 Title 77, chapter 1, part 5.

6 (3) Except as provided in subsection (7)(b), the total amount received by each local government in the
7 prior fiscal year as an entitlement share payment under this section is the base component for the subsequent
8 fiscal year distribution, and in each subsequent year the prior year entitlement share payment, including any
9 reimbursement payments received pursuant to subsection (7), is each local government's base component.
10 The sum of all local governments' base components is the fiscal year entitlement share pool.

11 (4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool must
12 be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount
13 determined through the application of annual growth rates is the entitlement share pool for each fiscal year.

14 (b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share
15 pool for the next fiscal year in the following manner:

16 (i) The department shall calculate the entitlement share growth rate based on the ratio of two factors
17 of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the
18 statewide accounting, budgeting, and human resource system. The first factor is the sum of the revenue for the
19 first and second previous completed fiscal years received from the sources referred to in subsections (2)(b),
20 (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years
21 received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and
22 second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30,
23 and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second
24 and third previous completed fiscal years received from the same sources multiplied by 0.25.

25 (ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv), the entitlement share growth rate is the
26 lesser of:

- 27 (A) the sum of the first factor plus the second factor; or
- 28 (B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

1 (iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv), the
2 entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to
3 determine the subsequent fiscal year payment.

4 (iv) The entitlement share growth rate, as described in this subsection (4), is:

5 (A) for fiscal year 2018, 1.005;

6 (B) for fiscal year 2019, 1.0187;

7 (C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate must
8 be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated using
9 entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

10 (5) As used in this section, "local government" means a county, a consolidated local government, an
11 incorporated city, and an incorporated town. A local government does not include a tax increment financing
12 district provided for in subsection (8). The county or consolidated local government is responsible for making an
13 allocation from the county's or consolidated local government's share of the entitlement share pool to each
14 special district within the county or consolidated local government in a manner that reasonably reflects each
15 special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for
16 each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in
17 2002.

18 (6) (a) The entitlement share pools calculated in this section, the amounts ~~determined distributed~~
19 under ~~45-4-123(2)~~ 15-1-123(4) for local governments, the funding provided for in subsection (8) of this section,
20 and the amounts ~~determined distributed~~ under ~~45-4-123(3)~~ 15-1-123(5) for tax increment financing districts are
21 statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to
22 local governments.

23 (b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal
24 year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must
25 be calculated separately for:

26 (A) counties;

27 (B) consolidated local governments; and

28 (C) incorporated cities and towns.

1 (ii) In each fiscal year, the growth amount for counties must be allocated as follows:

2 (A) 50% of the growth amount must be allocated based upon each county's percentage of the prior
3 fiscal year entitlement share pool for all counties; and

4 (B) 50% of the growth amount must be allocated based upon the percentage that each county's
5 population bears to the state population not residing within consolidated local governments as determined by
6 the latest interim year population estimates from the Montana department of commerce as supplied by the
7 United States bureau of the census.

8 (iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as
9 follows:

10 (A) 50% of the growth amount must be allocated based upon each consolidated local government's
11 percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

12 (B) 50% of the growth amount must be allocated based upon the percentage that each consolidated
13 local government's population bears to the state's total population residing within consolidated local
14 governments as determined by the latest interim year population estimates from the Montana department of
15 commerce as supplied by the United States bureau of the census.

16 (iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as
17 follows:

18 (A) 50% of the growth amount must be allocated based upon each incorporated city's or town's
19 percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

20 (B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's
21 population bears to the state's total population residing within incorporated cities and towns as determined by
22 the latest interim year population estimates from the Montana department of commerce as supplied by the
23 United States bureau of the census.

24 (v) In each fiscal year, the amount of the entitlement share pool before the growth amount or
25 adjustments made under subsection (7) are applied is to be distributed to each local government in the same
26 manner as the entitlement share pool was distributed in the prior fiscal year.

27 (7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this
28 section, the department shall determine the reimbursement amount as provided in the enactment and add the

1 appropriate amount to the entitlement share distribution under this section. The total entitlement share
 2 distributions in a fiscal year, including distributions made pursuant to this subsection (7), equal the local fiscal
 3 year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool
 4 must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution
 5 determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

6 (b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply
 7 to the portion of the entitlement share pool attributable to the reimbursement provided for in ~~45-4-123(2)~~ 15-1-
 8 123(1) and (2). The department shall calculate the portion of the entitlement share pool attributable to the
 9 reimbursement in ~~45-4-123(2)~~ 15-1-123(1) and (2), including the application of the growth rate in previous fiscal
 10 years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply
 11 the growth rate for that portion of the entitlement share pool as provided in ~~45-4-123(2)~~ 15-1-123(3).

12 (c) The growth amount resulting from the application of the growth rate in ~~45-4-123(2)~~ 15-1-123(3)
 13 must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

14 (8) (a) Except for a tax increment financing district entitled to a reimbursement under ~~45-4-123(3)~~ 15-
 15 1-123(5), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000,
 16 then the tax increment financing district is not entitled to any funding. If a tax increment financing district
 17 referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b)
 18 terminates.

19 (b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30
 20 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment
 21 financing districts is as follows:

Flathead	Kalispell -	\$4,638
	District 2	
Flathead	Kalispell -	37,231
	District 3	
Flathead	Whitefish	148,194
	District	

Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1- 1C	225,251
Missoula	Missoula - 4- 1C	30,009

1 (9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for
2 local governments do not include revenue received from tax increment financing districts.

3 (10) When there has been an underpayment of a local government's share of the entitlement share
4 pool, the department shall distribute the difference between the underpayment and the correct amount of the
5 entitlement share. When there has been an overpayment of a local government's entitlement share, the local
6 government shall remit the overpaid amount to the department.

7 (11) A local government may appeal the department's estimation of the base component, the
8 entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the
9 uniform dispute review procedure in 15-1-211.

10 (12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be offset
11 by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

12 (b) A payment required pursuant to this section must be withheld if a local government:

- 13 (i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and
- 14 (ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or as otherwise
15 required by law within 45 days of the end of a month.

16 (c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local
17 government fails to:

- 18 (i) file a financial report required by 15-1-504;
- 19 (ii) remit any amounts collected on behalf of the state as required by 15-1-504; or
- 20 (iii) remit any other amounts owed to the state or another taxing jurisdiction."

21

22 **Section 2.** Section 15-1-123, MCA, is amended to read:

1 **"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution --**
 2 **appropriations.** (1) ~~For~~ Except as provided in subsection (2), for the tax rate reductions in 15-6-138(3), the
 3 increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145
 4 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of
 5 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-
 6 145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter
 7 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax
 8 increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between
 9 property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2,
 10 Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected
 11 under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and
 12 section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual
 13 reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the
 14 support of the Montana university system under 15-10-109.

15 (2) For the increased exemption amount in 15-6-138(4) as amended by [this act], the department
 16 shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the
 17 6-mill university levy for the purposes of 15-10-109, the difference between property tax collections that would
 18 have been collected under 15-6-138(4) as amended by section 8, Chapter 361, Laws of 2015, and [this act].
 19 The difference calculated in this subsection is added to the annual reimbursable amount for each local
 20 government, each tax increment financing district, and the 6-mill levy for the support of the Montana university
 21 system under 15-10-109 calculated in subsection (1).

22 (3) The growth rate applied to the reimbursements is:

23 (a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of
 24 inflation for the prior 3 years; and

25 (b) for the reimbursement calculated pursuant to subsection (2), 0%.

26 ~~(2)(4)~~ (4) The department shall distribute the reimbursements calculated in ~~subsection-subsections~~ (1)
 27 and (2) to local governments with the entitlement share payments under 15-1-121(7). ~~The growth rate applied~~
 28 to the reimbursement is one-half of the average rate of inflation for the prior 3 years.

1 ~~(3)~~(5) The amount determined under ~~subsection-subsections (1) and (2)~~ for each tax increment
 2 financing district must be added to the reimbursement amount for the tax increment financing district as
 3 provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing
 4 district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the
 5 reimbursement must be made to that tax increment financing district at the same time as other districts.

6 ~~(4)~~(6) (a) The amount determined under ~~subsection-subsections (1) and (2)~~ for the 6-mill university
 7 levy must be added to current collections and reimbursements for the support of the Montana university system
 8 as provided in 15-10-109.

9 (b) The department of administration shall transfer the amount determined under this subsection ~~(4)~~
 10 (6) from the general fund to the state special revenue fund for the support of the Montana university system as
 11 provided in 15-10-109."

12

13 **Section 3.** Section 15-6-138, MCA, is amended to read:

14 "**15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property
 15 includes:

16 (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

17 (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies
 18 except those included in class five under 15-6-135;

19 (c) for oil and gas production, all:

20 (i) machinery;

21 (ii) fixtures;

22 (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water
 23 storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers,
 24 gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment
 25 that is skidable, portable, or movable;

26 (iv) tools that are not exempt under 15-6-219; and

27 (v) supplies except those included in class five;

28 (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools

1 and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk
2 processors as provided in 15-6-220, and supplies except those included in class five;

3 (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are
4 specifically included and taxed in another class or that are rented under a purchase incentive rental program as
5 defined in 15-6-202(4);

6 (f) special mobile equipment as defined in 61-1-101;

7 (g) furniture, fixtures, and equipment, except that specifically included in another class, used in
8 commercial establishments as defined in this section;

9 (h) x-ray and medical and dental equipment;

10 (i) citizens band radios and mobile telephones;

11 (j) radio and television broadcasting and transmitting equipment;

12 (k) cable television systems;

13 (l) coal and ore haulers;

14 (m) theater projectors and sound equipment; and

15 (n) all other property that is not included in any other class in this part, except that property that is
16 subject to a fee in lieu of a property tax.

17 (2) As used in this section, the following definitions apply:

18 (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that
19 are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying
20 environment.

21 (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or
22 service, wholesale, retail, or food-handling business.

23 (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas
24 production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101,
25 a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil
26 transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

27 (3) Except as provided in 15-24-1402, class eight property is taxed at:

28 (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4),

1 1.5%; and

2 (b) for all taxable market value in excess of \$6 million, 3%.

3 (4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity
4 is exempt from taxation.

5 (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering
6 services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana,
7 and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject
8 to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all
9 affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be
10 aggregated for purposes of determining the 500-mile threshold."
11

11

12 **Section 4.** Section 20-9-366, MCA, is amended to read:

13 **"20-9-366. Definitions.** As used in 20-9-366 through 20-9-371, the following definitions apply:

14 (1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school
15 ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000,
16 with the quotient divided by the total county elementary ANB count or the total county high school ANB count
17 used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement
18 amounts.

19 (2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an
20 eligible district means the taxable valuation in the previous year of all property in the district, except for property
21 value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new
22 school district under 20-6-326, divided by the district's prior year GTBA budget area.

23 (b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation
24 in the previous year of all property in the district, except for property subject to the creation of a new school
25 district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to
26 calculate the district's prior year total per-ANB entitlement amount.

27 (3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base
28 purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by

1 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state
2 high school ANB count used to calculate the elementary school districts' and high school districts' prior year
3 total per-ANB entitlement amounts.

4 (4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's
5 BASE budget after the following payments are subtracted:

- 6 (a) direct state aid;
- 7 (b) the total data-for-achievement payment;
- 8 (c) the total quality educator payment;
- 9 (d) the total at-risk student payment;
- 10 (e) the total Indian education for all payment;
- 11 (f) the total American Indian achievement gap payment; and
- 12 (g) the state special education allowable cost payment.

13 (5) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax
14 base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the
15 taxable valuation in the previous year of all property in the state, multiplied by ~~193% for fiscal year 2018, 216%~~
16 ~~for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021~~ 2022 and 236% for fiscal year
17 2023 and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state
18 elementary school districts or the state high school districts.

19 (b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for
20 school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year
21 of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state
22 elementary ANB count or the total state high school ANB amount used to calculate the elementary school
23 districts' and high school districts' prior year total per-ANB entitlement amounts."

24
25 **NEW SECTION. Section 5. Applicability.** [This act] applies to tax years beginning after December
26 31, 2021.

27 - END -